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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,265

04/14/2004

James F. Aaron

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MEYER UNKOVIC & SCOTT LLP  
1300 OLIVER BUILDING  
PITTSBURGH, PA 15222

EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

03/31/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/824,265	<b>Applicant(s)</b> AARON, JAMES F.	
	<b>Examiner</b> ERNESTO GARCIA	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16, 18-20, 22-26 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 is/are allowed.
- 6) ☒ Claim(s) 16, 18-20 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 22, 2008 has been entered.

At the outset, it should be noted that claims 16, 18-20, 22-26, and 30 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

Claims 16 and 30 are objected to because of the following informalities:

regarding claim 16, "the" should be inserted before "at" line 25 and --similar to the at least two prong connector-- should be inserted after "unit" in line 26 as there is no indication that the other two-prong unit is the same as the first mentioned unit; and,

regarding claim 30, "their" in line Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

***Claim Rejections - 35 USC § 112***

Claims 16, 18-20, and 22-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 16, the metes and bounds of the claim is unclear. In particular, the claim sets forth "a system of flexibly secured adjacent mat panels" in line 1. However, nothing in the body of the claim suggests that the adjacent mat panels are secured or for that matter how the connector unit is secured to the panels. Claim 16 merely sets forth a listing of parts and there is no interaction between the connector unit and the panel to render the adjacent mat panels being secured. Further, the claim sets forth "at least one two-prong connector unit" in lines 6-7, yet, lines 25-26 set forth another two-prong connector unit joined to the two-prong connector unit recited in lines 6-7 thus indicating that at least two two-prong connector units are required, not just "at least one". Alternatively, the requirement is rather a four-prong connector unit since two two-prong connector units placed parallel to each other results a four-prong connector unit.

Regarding claims 18-20 and 22-26, the claims depend from claim 16 and therefore are indefinite.

***Allowable Subject Matter***

Claim 30 is allowed.

Claims 16, 18-20, and 22-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 16, the prior art of record does not disclose or suggest a system comprising adjacent mat panels and a connector comprising at least one two-prong connector unit joined in parallel to another two-prong connector unit by at least one spanning member connecting the upper member of each of the two-prong connector units wherein the upper members are parallel and the lower prong members are in the same plane as one another. The closest prior art, McGillvray, 1,144,143, teaches, in Figure 7, a system; however, the at least one spanning member 23 connects a first joining member and a second joining member rather than the upper members 20'.

There's no motivation to place the spanning member on the upper members 20'. Liddle,

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GB-2,099,910, teaches, an upper member 42 or 46 that lies on top of a mat panel 34 or 38 rather than both mat panels 34, 38. There's no reason to place the upper member 42 or 46 of both mat panels as this would not allow the mat panels 34, 38 to pivot;

regarding claims 18-20 and 22-26, these claims depend from claim 16; and,

regarding claim 30, the prior art of record does not disclose or suggest a four prong-connector comprising each of a lower prong members extending into holes in a first and second mat panels (lines 30-31) as presented in the applicant's arguments.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 18-20, and 22-26 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. G./

Examiner, Art Unit 3679

March 31, 2009

/Daniel P. Stodola/  
Supervisory Patent Examiner, Art Unit 3679